

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TREMONT REALTY CAPITAL, INC.,

Plaintiff and Counterclaim Defendants,  
v.

PINNACLE GROUP, LLC, ADAMS  
CANYON RANCH, LLC, JOHN LANG,  
and MICHAEL GRADY,

Defendants and Counterclaim Plaintiffs.  
and

Civil Action No. 04-11853-RGS

PINNACLE GROUP, LLC, ADAMS  
CANYON RANCH, LLC, JOHN LANG,  
and MICHAEL GRADY,

Third-Party Plaintiffs,  
v.

FORTIS ADVISORS, LLC,  
TREMONT-FORTIS REALTY CAPITAL,  
LLC, RUSSELL POSORSKE, RICHARD  
C. GALLITTO AND DANIEL O. MEE

Third-Party Defendants.

**JOINT MOTION TO STAY PROCEEDINGS**

Upon the agreement and with the assent of all parties, the parties respectfully request that the Court enter an order staying all proceedings in this action and to schedule a pretrial status conference with all parties named in the above-captioned action pursuant to Fed. R. Civ. P. 16 for January 4, 2007. As grounds for this Motion, the parties hereby state as follows:

1. After a discussion of the merits of the claims made in this case, all parties named in this action agreed to mediate their dispute with the assistance of an independent

mediator. As a result of that mediation, the parties agreed to settle their disputes with each other.

2. On or about February 28, 2006, all parties executed a document entitled Settlement Agreement and General Release ("Settlement Agreement"). As part of that Settlement Agreement, the parties agreed to assume monthly obligations that are scheduled to end on December 1, 2006.
3. If all obligations are fulfilled pursuant to the settlement agreement, the parties intend to file a stipulation of dismissal with this Court, seeking to dismiss this action in its entirety.
4. The parties intend to use the January 4, 2007 status conference to file a stipulation of dismissal or to request a lift of this stay of proceedings and file an Agreement for Judgment with this Court.

WHEREFORE, the parties respectfully request that the Court enter an order staying all proceedings in this action and to schedule a pretrial status conference with all parties for January 4, 2007.

Respectfully submitted,

PINNACLE GROUP, LLC,  
ADAMS CANYON RANCH, LLC,  
JOHN LANG, and MICHAEL GRADY

FORTIS ADVISORS, LLC;  
TREMONT-FORTIS REALTY CAPITAL,  
LLC; RUSSELL POSORSKE; RICHARD  
C. GALLITTO; and DANIEL O. MEE

By their attorneys,

By their attorneys,

/s/ William J. Hunt  
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/s/ Michael S. Day  
James M. Wodarski (BBO #627036)  
Michael S. Day (BBO #656247)  
Joseph V. Cavanagh [BBO #657671]  
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TREMONT REALTY CAPITAL, INC.

By its attorneys,

/s/ Michael S. Day  
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Michael S. Day, BBO # 656247  
Joseph V. Cavanagh, BBO #657671  
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Dated: May 5, 2006